



CHAPTER \h \r 1] **UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029**

**November 30, 2021**

Tommy Wells  
Director  
Department of Energy & Environment  
1200 First Street NE  
Washington, DC 20002

Dear Mr. Wells,

Thank you for your October 7<sup>th</sup>, 2021 submission of a request for EPA to exclude ozone data in the District from March 16 through December 31, 2020 through the Exceptional Events Rule process. EPA has reviewed the District's request and is unable to approve the exclusion of the associated data under the statutory authority of the Clean Air Act and the Exceptional Events Rule.

The statutory authority of the Clean Air Act requires that regulations pertaining to exceptional events meet the following criteria (42 U.S. Code § 7619):

- (i) the occurrence of an exceptional event must be demonstrated by reliable, accurate data that is promptly produced and provided by Federal, State, or local government agencies;*
- (ii) a clear causal relationship must exist between the measured exceedances of a national ambient air quality standard and the exceptional event to demonstrate that the exceptional event caused a specific air pollution concentration at a particular air quality monitoring location;*
- (iii) there is a public process for determining whether an event is exceptional; and*
- (iv) there are criteria and procedures for the Governor of a State to petition the Administrator to exclude air quality monitoring data that is directly due to exceptional events from use in determinations by the Administrator with respect to exceedances or violations of the national ambient air quality standards.*

40 CFR 50.1 further defines "exceptional event" as, "...an event(s) and its resulting emissions that affect air quality in such a way that there exists a clear causal relationship between the specific event(s) and the monitoring exceedance(s) or violation(s), is not reasonably controllable or preventable, in an event(s) caused by human activity that unlikely to recur at a particular location or a natural event(s), and is determined by the Administrator in accordance with 40 CFR 50.14 to be an exceptional event. Event-influenced data that do not result in an exceedance or violation of the NAAQS are not eligible for exclusion under the Exceptional Events Rule (81 FR 68230).

The event that the District is requesting data exclusion for did not result in an exceedance(s) or violation(s). As such, EPA cannot grant exclusion of the March 16 through December 31, 2020 ozone data as requested by the District.

For questions regarding this response, your staff may contact Ms. Cristina Fernandez, Director of the Air & Radiation Division, (215) 814-2178.

Sincerely,

Adam Ortiz  
Regional Administrator